SUPREME COURT, U. S.

Supreme Court, U.S.
FILED
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E. ROBERT SEAVER, CLERK

IN THE

SUPREME COURT OF THE UNITED STATES

October Term, 1970

No. 1130

HOLYNN ASSOCIATION OF SEPARATE BAPTIST IN CHRIST OF KENTUCKY; WHEELER DAVIS, S. C. JOHNSON, J. A. HUFF, Members of Presbytery Board of Holynn Association of Separate Baptist in Christ of Kentucky; F. T. PEPPER; SAM CHUTEY; LESLIE CHUTEY; ROXIE DAVENPORT; COTS MORAN; BOY MORAN; J. H. BLOYD; ADRIAN DAVIS; OLLEN DAVENPORT; RALPH LOBB; SAMUEL DAVIS . . . . . Petitioners

vs.

OAK GROVE SEPARATE BAPTIST CHURCH; TERRY BISHOP; RALPH JEFFRIES; CURTIS JEFFRIES; COBEY CHUTEY; CHOLORES COMLEY; IVAN JONES; IVAN COMPTON

Respondents

On Petition for a Writ of Certiorari to the Court of Appeals of Kentucky

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PETITION FOR REHEARING

J. WOOD VANCE, JR.
Yancey Building
Glasgow, Kentucky
Counsel for Petitioners

WESTERFIELD-GOETZ CO., INC., 643 W. KENTUCKY, LOUISVILLE, KY.

IN THE

SUPREME COURT OF THE UNITED STATES

October Term 1970

No. 1130

NOLYNN ASSOCIATION OF SEPARATE BAPTIST IN CHRIST OF KENTUCKY; WHEELER DAVIS, S. C. JOHNSON, J. A. HUFF, Members of Presbytery Board of Nolynn Association of Separate Baptist in Christ of Kentucky; F. T. PEPPER; SAM GENTRY; LESLIE GENTRY; ROXIE DAVENPORT; COYS MORAN; ROY MORAN; J. H. BLOYD; ADRIAN DAVIS; OLLEN DAVENPORT; RALPH LOBB; SAMUEL DAVIS - - - - - - - *Petitioners*

v.

OAK GROVE SEPARATE BAPTIST CHURCH; TERRY BISHOP; RALPH JEFFRIES; CURTIS JEFFRIES; COBBY GENTRY; CHOLOREN CONLEY; IVAN JONES; IVAN COMPTON - - - *Respondents*

ON PETITION FOR A WRIT OF CERTIORARI TO THE COURT OF APPEALS OF KENTUCKY

PETITION FOR REHEARING

Petitioners present their petition for a rehearing of the Court's order dated March 8, 1971, denying the petition for a writ of certiorari to the Court of Appeals of Kentucky, and, in support thereof, respectfully shows:

GROUNDS FOR REHEARING

The State Courts classify all Baptist churches as being congregational or independent which is contrary to the beliefs and practices of the Separate Baptist. They adhere to the contention that their Association is the general church government irrespective of the beliefs of the State. Their church government is unlike the other Baptist and this is the reason they were named or branded Separates. The decision of the State Courts restrains them from exercising their religion with any degree of authority by their general church government which is repugnant to their constitutional rights under the First Amendment. The Separates have had this problem since 1753. They are a small minority group of Baptist in a Country of twenty-five larger groups, consisting of millions, that believe differently from these Separates as to church government. They should have the right of protection against State interference as any religious group, regardless of denomination, should have.

CONCLUSION

For the foregoing reasons it is respectfully urged that this petition for a rehearing be granted, and that, upon further consideration, writ of certiorari issue to the Court of Appeals of Kentucky.

J. Wood Vance, Jr.
Yancey Building
Glasgow, Kentucky
Counsel for Petitioners

CERTIFICATE OF COUNSEL

I, J. Wood Vance, Jr., counsel for above-named petitioners, do hereby certify that the foregoing petition for rehearing is presented in good faith and not for delay, and that it is restricted to the grounds specified in Rule 58, subdivision 2, of the rules of this Court.

J. Wood Vance, Jr.

Counsel for Petitioners

CERTIFICATE OF SERVICE

I, J. Wood Vance, Jr., attorney for Petitioners herein, and a member of the Bar of the Supreme Court of the United States, hereby certify that, on the ____ day of March 1971, I served copies of the foregoing petition for rehearing on the Respondents as follows:

By mailing copies in duly addressed envelopes, with first class postage prepaid, to their attorneys of record: Shelley T. Riherd and Robert Richardson (Riherd & Richardson) 117 East Washington Street, Glasgow, Kentucky, and Carrol Redford, Sr. and Carrol Redford, Jr. (Redford & Redford) East Washington Street, Glasgow, Kentucky.

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Counsel for Petitioners